रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, शनीवार, अक्टूबर 29, 1966/कार्तिक 7, 1888 (शक)
No. 42] NEW DELHI, SATURDAY, OCTOBER 29, 1966/KARTIKA 7, 1888 (saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 29th October, 1966/Kartika 7, 1888 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS LAND REVENUE AND LAND REFORMS REGULATION, 1966

NO. 2 OF 1966

Promulgated by the President in the Seventeenth Year of the Republic of India.

A Regulation to consolidate and amend the law relating to land revenue, powers of revenue officers, rights and liabilities of holders of land, land tenures and other matters relating to land, in the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him,—

CHAPTER I

PRELIMINARY

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands but nothing in this Regulation shall apply to such areas therein as may from time to time be constituted as Government forests.

(3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

Definition.

2. In this Regulation, unless the context otherwise requires,—

(1) "abadi" means the area reserved from time to time in a village in a non-urban area for the residence of the inhabitants thereof or for purposes ancillary thereto;

(2) "agriculture" includes—

(i) the raising of annual or periodical crops including betel leaves (pan) and garden produce,

(ii) horticulture,

(iii) raising of fodder or thatching grass.

(iv) dairy farming,

(v) poultry farming,

(vi) stock breeding and grazing. and

(vii) pisciculture;

(3) "agricultural year" means the year commencing on the first day of May or such other date as the Chief Commissioner may, by notification, appoint;

(4) "cess" means whatever is payable in money by a person. resident, or holding land, in a village, to the Government for services rendered to the community;

(5) "Chief Commissioner" means the Chief Commissioner of the Union territory of the Andaman and Nicobar Islands;

(6) "commercial trees" means any of the trees specified in the Schedule;

(7) "co-operative society" means a society registered or deemed to be registered as such under the Co-operative Societies Act, 1912. 2 of 1912.

(8) "Government" means the Central Government,

(9) "Government forest" means a forest constituted as a reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927; 16 of 1927

(10) "grant" means a grant made under clause (i) of section 146;

(*11*) "holding" means a parcel of land separately assessed to land revenue;

(*12*) "improvement", in relation to a holding, means any work which materially adds to the value of the holding and which is suitable thereto and consistent with the purpose for which it is held and includes—

(*i*) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes,

(*ii*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage by water,

(*iii*) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes,

(*iv*) the erection of buildings on or in the vicinity of the holding, elsewhere than in the abadi or urban area, required for the convenient or profitable use or occupation of the holding, and

(*v*) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto,

but does not include the construction of—

(*a*) temporary wells and such water channels, embankments, levelling enclosures or other works or petty alterations in or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture, or

(*b*) any work which substantially diminishes the value of any land, wherever situated, in the occupation of a tenant.

Explanation.—A work which benefits several holdings shall be deemed to be an improvement with respect to each of such holdings;

(*13*) "land" means a portion of the earth's surface whether or not under water and includes all things attached to, or permanently fastened to anything attached to, such portion;

(*14*) "land records" means the records maintained under this Regulation;

(*15*) "land revenue" means any consideration in money payable by a tenant to the Government on account of the use or occupation of the land or on account of any right in land held by him;

(*16*) "legal practitioner" means any person entitled to practise in any of the courts in the Union territory of the Andaman and Nicobar Islands under any law for the time being in force;

(*17*) "licence" has the meaning assigned to it in the Indian Easements Act, 1882; 5 of 1882.

(*18*) "notification" means a notification published in the Official Gazette;

(*19*) "Official Gazette" means the Andaman and Nicobar Gazette;

(*20*) "person under disability" means,—

(*i*) a widow,

(*ii*) a minor,

(*iii*) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under sub-clause (*iv*) or sub-clause (*v*),

(*iv*) a member of the Armed Forces of the Union, or

(*v*) a person incapable of cultivation by reason of physical or mental disability;

(*21*) 'plot number" means a portion of land in an urban area formed into, or recognised as, a plot number under section 68, in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in any records before the commencement of this Regulation under an indicative number known as khasra or survey number;

(*22*) "prescribed" means prescribed by rules made under this Regulation;

(*23*) "recognised agent" in relation to a party to a proceeding under this Regulation means,—

(*i*) a person authorised under a power of attorney by that party to make appearance and applications and to do other acts, on his behalf in such proceeding, or

(*ii*) a person authorised in writing by that party to make appearance on his behalf in such proceeding;

(*24*) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(25) "revenue officer" in any provision of this Regulation means such revenue officer as the Chief Commissioner may, by notification, direct to discharge the functions of a revenue officer under that provision;

(26) "revenue year" means the year commencing on such date as the Chief Commissioner may, in the case of any specified area, by notification, appoint;

(27) "sub-tenant" means a person who cultivates or holds the land of a tenant under an agreement, express or implied, on condition of paying rent therefor;

(28) "survey number" means a portion of land in any non-urban area formed into, or recognised as, a survey number at the revenue survey immediately preceding the commencement of this Regulation, or subsequently formed into or recognised as such by the Deputy Commissioner in respect of which the area and the land revenue payable are separately entered under an indicative number in the land records; and includes, any portion of land entered in the land records under an indicative number known as khasra number;

(29) "tenant" means the person by whom land revenue is or, but for a contract express or implied, would be payable but does not include a sub-tenant;

(30) "urban area" means the area for the time being included within the limits of any municipality constituted under any law for the time being in force relating to municipalities or any village or group of villages which may be specified by the Chief Commissioner as an urban area and the expression "non-urban area" shall be construed accordingly;

(31) "village" means any tract of land which immediately before the commencement of this Regulation was recognised as, or declared to be, a village under the provisions of any law for the time being in force or which may, after such commencement, be recognised as a village at any revenue survey or which the Chief Commissioner may, by notification, declare to be a village.

CHAPTER II

REVENUE OFFICERS, THEIR CLASSES AND POWERS

Revenue officers

3. There shall be the following classes of revenue officers, namely:—

(a) Settlement Commissioner,

(b) Deputy Commissioner,

(c) Settlement Officer,
(d) Assistant Commissioner,
(e) Assistant Settlement Officer,
(f) Tehsildar,
(g) Land Records Officer,
(h) Naib-Tehsildar,
(i) Revenue Inspector,
(j) Patwari, and

(k) such other village officers and servants as may be specified by rules made under this Regulation.

Cntrol over revenue officers.

4. (1) All revenue officers shall be subordinate to the Chief Commissioner and, subject to the provisions of sub-section (2), all revenue officers in the district shall also be subordinate to the Deputy Commissioner.

(2) Unless the Deputy Commissioner otherwise directs, every revenue officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Naib-Tehsildar in a tehsil shall be subordinate to the Tehsildar.

Power to alter, create or abolish, districts, sub-divisions and tehsils.

5. The Chief Commissioner may, with the previous approval of the Government, alter the limits of any district or tehsil or create new or abolish existing districts or tehsils, or divide any district into sub-divisions or alter the limits of, or abolish, any sub-division.

Appointment of Deputy Commissioner.

6. The Government may appoint for each district a Deputy Commissioner who shall exercise the powers and perform the duties conferred or imposed on a Deputy Commissioner by or under this Regulation.

Appointment of Assistant Commissioners.

7. The Chief Commissioner may appoint for each district as many persons as he thinks necessary to be Assistant Commissioners who shall exercise such powers and perform such duties as the Chief Commissioner may, by notification, direct.

Appointment of Tehsildars and Naib-Tehsildars.

8. The Chief Commissioner may appoint for each tehsil a Tehsildar and one or more Naib-Tehsildars who shall exercise the powers and perform the duties conferred or imposed on them by or under this Regulation.

Appointment of Land Records Officers.

9. The Chief Commissioner may appoint for each district as many persons as he thinks necessary to be Land Records Officers, who shall exercise the powers and perform the duties conferred or imposed on them by or under this Regulation.

Sub-Divisional Officers.

10. (1) The Chief Commissioner may place any Assistant Commissioner to be in charge of one or more sub-divisions of a district.

(2) Such Assistant Commissioner shall be called a Sub-Divisional Officer and shall exercise such powers and perform such duties of a Deputy Commissioner as the Chief Commissioner may, by notification, direct.

Conferment by Chief Commissioner of powers of revenue officers on other persons.

11. The Chief Commissioner may, by notification, confer on any person the powers conferred by or under this Regulation on any revenue officer.

Powers exercisable on transfer.

12. If any revenue officer, who has been invested with any powers under this Regulation in any tehsil or district is transferred to an equal or higher office of the same nature in any other tehsil or district, he shall, unless the Chief Commissioner otherwise directs, exercise the same powers under this Regulation in such other tehsil or district.

CHAPTER III

PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS

Place for holding enquiries

13. Except for reasons to be recorded in writing, no revenue officer shall enquire into, or hear, any case arising under this Regulation at any place outside the local limits of his jurisdiction.

Power to enter upon and survey land.

14. All revenue officers and measurers and all persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts connected with their duties under this Regulation and in so doing, shall cause no more damage than the circumstances of the case may require:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice and in making such entry due regard shall be paid to the special and religious sentiments of the occupier.

Power to transfer cases.

15. Whenever it appears to the Chief Commissioner that an order under this section is expedient for the ends of justice, he may direct that any particular case be transferred from one revenue officer to another revenue officer of an equal or superior rank in the same district or any other district.

Power to transfer cases to and from subordinates.

16. (1) A Deputy Commissioner, a Sub-Divisional Officer or a Tehsildar may make over any case or class of cases arising under this Regulation for decision from his own file to any revenue officer subordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself or refer

the same for disposal to any other revenue officer subordinate to him and competent to decide such case or class of cases.

(2) A Deputy Commissioner, a Sub-Divisional Officer, or a Tehsildar may make over for inquiry and report any case or class of cases arising under this Regulation from his own file to any revenue officer subordinate to him.

Conferment of status of courts on revenue officers.

17. Every revenue officer, while exercising any power under this Regulation to enquire into or decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.

Inherent powers of revenue courts.

18. Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court.

Power of revenue officers to require attendance of persons and production of documents and to receive evidence.

19. (1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, and the rules made under this Regulation every revenue officer acting as a revenue court shall have power to take evidence, to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Regulation : 5 of 1908.

Provided that no person shall be ordered to attend in person unless he resides in the Union territory of the Andaman and Nicobar Islands.

(2) Any person present may be required by any such revenue officer to give evidence or to produce any document then and there in his possession or power.

(3) Every such revenue officer shall have power to issue a commission to examine any person who is exempted from attending court under any law for the time being in force or who cannot be ordered to attend in person or is unable to attend on account of sickness or infirmity.

Compelling attendance of witness.

20. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons the officer by whom the summons has been issued under section 19, may—

(a) issue a bailable warrant of arrest;

(b) order him to furnish security for appearance: or

(c) impose upon him a fine not exceeding fifty rupees.

Dismissal case or proceeding and hearing in absence of party.

21. (*1*) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed in default of payment of such process fees.

(*2*) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing after due service of a summons or notice on him, the case or proceeding may be heard and determined in his absence or may be dismissed for default.

(*3*) The party against whom any order is passed under sub-section (*1*) or sub-section (*2*) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from paying the requisite process fees for service of a summons or notice on the opposite party or, as the case may be, from appearing at the hearing and the revenue officer may, after notice to the opposite party who was present on the date on which such order was passed and after making such inquiry as he considers necessary set aside the order passed.

(*4*) Where an application filed under sub-section (*3*) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such officer.

(*5*) Except as provided in sub-section (*4*) no appeal shall lie from an order passed under this section.

Adjournment of hearing.

22. (*1*) A revenue officer may, from time to time, for reasons to be recorded by him in writing and on such terms as to costs as he thinks fit, adjourn the hearing of a case or proceeding before him.

(*2*) The date and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

Power to award costs.

23. A revenue officer may award costs incurred in any case or proceeding arising under this Regulation in such manner and to such extent, as he thinks fit :

Provided that the fees of a legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.

Manner of executing order to deliver possession of land.

24. Where an order to deliver possession of any land has been passed under this Regulation against any person such order shall be executed in the following manner, namely :—

(*a*) by serving a notice on the person or persons in possession of the land requiring such person or persons within such

time as may appear reasonable after receipt of the said notice to vacate the land; and

(*b*) if such notice is not obeyed, by removing or deputing an officer to remove any person who may refuse to vacate the same; and

(*c*) if the officer removing any such person is resisted or obstructed by any person the revenue officer shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

Persons by whom appearances and applications may be made before and to revenue officers.

25. Save as otherwise provided in any other law for the time being in force, all appearances before, applications to, and acts to be done before, any revenue officer under this Regulation shall be made or done by the parties themselves or by their recognised agents or by any legal practitioner:

Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the revenue officer so directs, be made by the party in person: 5 of 1908.

Provided further that appearance alone may be made by a recognised agent referred to in sub-clause (*ii*) of clause (*23*) of section 2.

Orders of revenue officer when reversible by reason of error or irregularity.

26. (*1*) No order passed by a revenue officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any enquiry or other proceedings under this Regulation, unless such error, omission, or irregularity has in fact occasioned a failure of justice.

(2) In determining whether any error, omission or irregularity in any proceedings under this Regulation has occasioned a failure of justice, regard shall be had to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

Code of Civil Procedure to apply when no express provision made in the Regulation.

27. Unless otherwise expressly provided by or under this Regulation, the procedure laid down in the Code of Civil Procedure, 1908, shall, so far as may be, be followed in all proceedings under this Regulation. 5 of 1908.

CHAPTER IV

APPEAL, REVISION AND REVIEW

Appeal and appellate authorities.

28. (*1*) Save as otherwise provided in this Regulation, an appeal shall lie from every original order passed under this Regulation or the rules made thereunder—

(*a*) if such order is passed by any revenue officer subordinate to the Sub-Divisional Officer, whether or not the officer passing the order is invested with the powers of the Deputy Commissioner, to the Sub-Divisional Officer;

(*b*) if such order is passed by the Sub-Divisional Officer, whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;

(*c*) if such order is passed by any revenue officer subordinate to the Settlement Officer, to the Settlement Officer;

(*d*) if such order is passed by a Deputy Commissioner, whether exercising the powers of Deputy Commissioner or Settlement Officer during the currency of the term of any settlement, to the Chief Commissioner;

(*e*) if such order is passed by a Settlement Officer, whether exercising the powers of Settlement Officer or the powers of a Deputy Commissioner in connection with any settlement operation, to the Settlement Commissioner.

(*2*) A second appeal shall lie against any order passed in first appeal—

(*i*) by the Sub-Divisional Officer or the Deputy Commissioner or the Settlement Commissioner, to the Chief Commissioner;

(*ii*) by the Settlement Officer, to the Settlement Commissioner.

(*3*) An order passed in review varying or reversing any order shall be appealable in like manner as the original order.

No appeal against certain orders.

29. No appeal shall lie from an order—

(*a*) admitting an appeal or application for review on the grounds specified in section 5 of the Limitation Act, 1963. 36 of 1963.

(*b*) rejecting an application for review;

(*c*) granting or rejecting an application for stay; or

(*d*) of an interim nature.

Limitation of appeals.

30. No appeal shall lie—

(*a*) to the Sub-Divisional Officer or Deputy Commissioner or Settlement Officer or Settlement Commissioner, after the expiration of forty-five days from the date of the order appealed against; or

(*b*) to the Chief Commissioner after the expiration of sixty days from such date:

Provided that where a party, other than a party against whom the order has been passed *ex-parte*, had no previous notice of the date on which the order is passed, limitation under this section shall be computed from the date of the communication of such order.

Copy of order objected to accompany petition.

31. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made.

Power of appellate authority.

32. (*1*) The appellate authority may either admit the appeal or, after calling for the records and giving the appellant an opportunity to be heard, summarily reject it:

Provided that the appellate authority shall not be bound to call for the records where the appeal is time-barred or does not lie.

(*2*) If the appeal is admitted, a date shall be fixed for hearing and notice shall be served on the respondent.

(*3*) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence; or may remand the case for disposal with such directions as it thinks fit.

Revision.

33. The Chief Commissioner or the Settlement Commissioner or the Deputy Commissioner may, either of his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard:

Provided further that no application for revision shall be entertained against an order appealable under this Regulation:

Provided also that such application is presented within sixty days to the Settlement Commissioner or the Deputy Commissioner as the case may be, or within ninety days to the Chief Commissioner, from the date of the order.

Review of orders.

34. (*1*) Every revenue officer may, either of his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Provided that—

(*i*) no order shall be varied or reversed unless notice has been served on the parties interested to appear and opportunity has been given to them for being heard;

(*ii*) no order from which an appeal has been made, or which is the subject of any revision proceedings shall be reviewed;

(*iii*) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(*2*) No order shall be reviewed except on the grounds provided for in the Code of Civil Procedure, 1908.

5 of 1908.

(*3*) For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

Stay of execution of orders.

35. (*1*) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.

(*2*) The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit.

(*3*) The authority exercising the powers conferred by section 33 or section 34 may direct the execution of the order under revision or review to be stayed for such time as it may think fit.

(*4*) The revenue officer or other authority directing the execution of an order to be stayed may impose such conditions, or order such security to be furnished, as he or it thinks fit.

(5) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

Application of Limitation Act.

36. Subject to the provisions of this Regulation, the provisions of the Limitation Act, 1963, shall apply to all appeals and applications for revision or review under this Regulation. 36 of 1963.

Definition of "order".

37. In this Chapter the expression "order" means the formal expression of the decision given by a revenue officer in respect of any matter in the exercise of his powers under this Regulation.

CHAPTER V

LAND AND LAND REVENUE

Ownership of land.

38. (1) All land in the Union territory of the Andaman and Nicobar Islands is vested absolutely in the Government, and, save as provided by or under this Regulation, no person shall be deemed to have acquired any property therein or any right to or over the same by occupation, prescription or conveyance or in any other manner whatsoever except by a conveyance executed by, or under the authority of, the Government.

(2) The right to all trees, brush-wood, jungles or other natural product wherever growing, except in so far as the same may be the property of any person, vests in the Government and such trees, brush-wood, jungles or other natural product shall be preserved or disposed of in such manner as may be prescribed keeping in view the interests of the people in the area with regard to the user of the natural products.

(3) All such trees which have been planted and reared by, or under the orders, or at the expense, of the Government and all trees which have been planted and reared at the expense of any local authority by the side of any road belonging to the Government, shall vest in the Government.

(4) Where a dispute arises in respect of any right under sub-section (1) or sub-section (2) or sub-section (3) such dispute shall be decided by the Deputy Commissioner.

(5) Any person aggrieved by any order passed under sub-section (4) may institute a civil suit to contest the validity of the order within a period of one year from the date of such order.

(6) Where a civil suit has been instituted under sub-section (5) against any order, such order shall not be subject to appeal or revision under this Regulation.

Liability to pay land revenue.

39 All land, to whatever purpose applied and wherever situate, is liable to the payment of land revenue to Government, except such land as has been wholly exempted from such liability by special grant of, or contract with, the Government, or under the provisions of any law for the time being in force.

Variation of land revenue according to purpose for which land used.

40. (*1*) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, as the case may be, with reference to the use of land—

(*a*) for the purpose of agriculture;

(*b*) as sites for dwelling houses;

(*c*) for industrial or commercial purposes;

(*d*) for any other purpose.

(*2*) No land assessed for use for any one purpose shall be diverted to any other purpose without the previous permission of the Sub-Divisional Officer.

(*3*) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed in accordance with the purpose to which it has been diverted.

(*4*) Where any land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and shall be assessed in accordance with the purpose to which it has been diverted.

(*5*) The assessment made under sub-section (*3*) or sub-section (*4*) shall be in accordance with the rules made under this Regulation.

(*6*) Where any land used for any purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the Sub-Divisional Officer shall also have power to impose a premium on the diversion in accordance with the rules made under this Regulation:

Provided that no premium shall be imposed for the diversion of any land for charitable purposes.

Assessment on unassessed land.

41. On all lands on which the assessment of land revenue has not been made before the commencement of this Regulation, such assessment shall be made by the Deputy Commissioner in accordance with the rules made under this Regulation.

Responsibility for payment of land revenue.

42. (*1*) The primary responsibility for payment of land revenue shall lie on the tenant, but where a tenant has sub-let for any period any land comprised in his holding and he defaults in the payment of land revenue, such land revenue shall be payable by the sub-tenant and the sub-tenant shall be entitled to credit from the tenant the amount paid by him.

(*2*) Where there are two or more persons liable to pay land revenue under sub-section (*1*), all of them shall be jointly and severally liable for its payment.

CHAPTER VI

REVENUE SURVEY AND SETTLEMENT IN NON-URBAN AREAS

Provisions of Chapter to apply to lands in non-urban areas.

43. The provisions of this Chapter shall apply in respect of lands in non-urban areas.

"Revenue survey", "settlement" and "term of settlement".

44. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

Inquiry into profits of agriculture and value of land.

45. (*1*) As soon as may be after the commencement of this Regulation, the Chief Commissioner may take steps to institute and may cause to be constantly maintained, in accordance with the rules made under this Regulation, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(*2*) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

(*a*) the depreciation of stock and buildings;

(*b*) the money equivalent of the labour and supervision by the cultivator and his family;

(*c*) all other expenses usually incurred in cultivation on the land which is under inquiry; and

(*d*) interest on the cost of buildings and stock, on all expenditure for seed and manure, and on the cost of agricultural operations paid for in cash.

(*3*) The Settlement Officer appointed under sub-section (*2*) of section 46 shall take into consideration the information collected in

the course of this inquiry when framing his proposals for assessment rates.

Settlement Commissioner, Settlement Officer and Assistant Settlement Officers.

46. (*1*) The Government may appoint a Settlement Commissioner who shall control the operations of the revenue survey.

(*2*) The Chief Commissioner may appoint an officer (hereinafter referred to as the Settlement Officer), to be in charge of a revenue survey, and as many Assistant Settlement Officers as he thinks fit.

(*3*) The Settlement Officer and the Assistant Settlement Officers shall be subordinate to the Settlement Commissioner and all Assistant Settlement Officers in a local area shall also be subordinate to the Settlement Officer.

Power to transfer duty of maintaining maps and records to Settlement Officer.

47. When any local area is under revenue survey, the duty of maintaining the maps and records may, under the orders of the Chief Commissioner, be transferred from the Deputy Commissioner to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Deputy Commissioner by any of the provisions in Chapters VIII and XVI.

Notification of proposed revenue survey

48. (*1*) Whenever the Chief Commissioner decides that a revenue survey of any local area should be made, he shall publish a notification to that effect, and such local area shall be held to be under such survey from the date of such notification until the issue of a notification declaring the operations to be closed.

(*2*) Such notification may extend to all lands generally in the local area or to such lands only as the Chief Commissioner may direct.

Formation survey numbers and villages.

49. Subject to the rules made under this Regulation, the Settlement Officer may—

(*a*) take measurements of the lands to which the revenue survey extends and construct such number of survey marks thereon as may be necessary;

(*b*) divide such lands into survey numbers and group the survey numbers into villages; and

(*c*) recognise existing survey numbers, reconstitute survey numbers, or form new survey numbers.

Separate demarcation of land diverted or specially assigned.

50. Notwithstanding anything contained in section 49 when any portion of agricultural land is diverted to any non-agricultural purpose, or when any portion of land is set apart for any of the purposes specified in section 198 or when any assessment is altered on any portion of land under sub-section (*3*) of section 40, the Settlement

Officer may make such portion into a separate survey number or sub-division of a survey number.

Power to re-number or sub-divide survey numbers.

51. (1) The Settlement Officer may either re-number survey numbers or sub divide survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) The division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions shall be carried out in accordance with the rules made under this Regulation and such rules may provide limits either of area or of land revenue or of both, below which no sub-division shall be recognised:

Provided that the total amount of assessment of any survey number shall not be enhanced during the term of settlement unless such assessment is liable to alteration under the provisions of this Regulation.

(3) Where a holding consists of several khasra numbers, the Settlement Officer shall assess the land revenue payable for each khasra number and record them as separate survey numbers.

(4) Whenever the survey numbers are re-numbered, the Settlement Officer shall correct the entries in all records prepared or maintained under Chapter VIII.

Entry of survey numbers and sub-divisions in records.

52. The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be prescribed.

Determination of abadi of village.

53. The Setllement Officer may, in the case of every inhabited village, ascertain and determine, with due regard to rights in land, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be abadi of the village.

Grouping of villages for purposes of assessment.

54. For the purposes of assessment, the villages of each tehsil or part of a tehsil comprised in the area to be assessed shall be formed into groups, and in forming such groups regard shall be had to physical features, agricultural and economic conditions and trade facilities and communications.

Fixation of assessment rates.

55. (1) On completing the necessary inquiries under section 45, the Settlement Officer shall, having regard to soil and position of land and profits of agriculture, prepare a table of assessment rates for different classes of land in the prescribed form and shall publish it in the prescribed manner for the prescribed period

(2) Any person objecting to an entry in the table of assessment rates may present a petition in writing to the Settlement Officer within the prescribed period and the Settlement Officer shall consider such objections after giving a hearing to the objector.

(3) The Settlement Officer shall submit the table of assessment rates to the Chief Commissioner together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

(4) The Chief Commissioner may approve the table of assessment rates submitted to him under sub-section (3) with such modifications, if any, as he may consider necessary.

(5) The assessment rates approved under sub-section (4) shall be finally published in the Official Gazette.

Fixation of fair assessment.

56. The Settlement Officer shall fix the assessment of land according in accordance with the assessment rates approved under section 55 and the provisions of section 58 and such assessment shall be the fair assessment of such holding.

All lands to be assessed.

57. The Settlement Officer shall have the power to make fair assessment in accordance with the principle and restrictions set forth in this Chapter, of all lands, whether such lands are liable to the payment of land revenue or not.

Principles of assessment.

58. (1) The fair assessment of all lands shall be calculated in accordance with the principles and restrictions set forth in this section.

(2) No regard shall be had to any claim to hold land on privileged terms.

(3) Regard shall be had in the case of agricultural land to the profits of agriculture, consideration paid for leases, sale prices of land and the principal moneys on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

(4) The fair assessment on land used for non-agricultural purposes shall not exceed one-third of the estimated rental value of the land to be determined in the prescribed manner.

(5) Where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

(6) Except for special reasons to be approved in each case by the Chief Commissioner, no increase in the fair assessment of a holding for the purpose of agriculture shall exceed fifty per centum of the existing assessment.

Announcement of settlement.

59. (1) When the assessment of any land has been fixed in accordance with section 56 notice thereof shall be given in accordance with the rules made under this Regulation, and such notice shall be called the announcement of the settlement.

(2) The assessment of any land, as announced under this section, shall be the land revenue payable annually on such land during the term of the settlement unless it is modified in accordance with the provisions of this Regulation or any other law for the time being in force.

Introduction of settlement.

60. The term of a settlement shall commence from the beginning of the revenue year next following the date of announcement under sub-section (1) of section 59 or from the expiry of the term of the previous settlement, whichever is later.

Term of settlement.

61. (1) The term of settlement shall be fixed by the Government and shall not be less than thirty years:

Provided that if, at any time, during the currency of the settlement the Government is of opinion that, having regard to changes in the general conditions subsequent to the settlement, it is desirable that the assessment should be reduced, it may, by order, reduce such assessment for such period as it may deem fit.

(2) Notwithstanding anything contained in sub-section (1) in any area where there is ample scope for extension of cultivation or for agricultural development or where the pitch of rents is unduly low or where there has been a rapid development of resources owing to the construction of roads or canals since the last settlement, the Government may, for reasons to be recorded, fix a term which may be less than thirty years but which shall in no case be less than twenty years.

(3) Notwithstanding that the term of settlement fixed under sub-section (1) or sub-section (2) for any local area has expired such term shall be deemed to have been extended till the commencement of the term of the subsequent settlement in that area.

Power of Settlement Officer to divide or unite villages.

62. The Settlement Officer may alter the boundaries of any village, or divide a village into two or more villages or unite two or more villages into one in accordance with the rules made under this Regulation.

Power of Deputy Commissioner to complete unfinished proceeding.

63. When the settlement operations are closed, all applications and proceedings then pending before the Settlement Officer shall be transfererd to the Deputy Commissioner who shall have all the powers of a Settlement Officer for their disposal.

Power of Deputy Commissioner to correct errors.

64. The Deputy Commissioner may, at any time during the term of settlement, correct any error in the area or assessment of any survey number or holding due to mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

Power of Deputy Commissioner during the term of settlement.

65. During the term of settlement, the Deputy Commissioner shall, when so directed by the Chief Commissioner, exercise the powers of a Settlement Officer under sections 49, 50, 51, 53 and 62.

Continuance of survey operations and rates in force at the commencement of Regulation.

66. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Regulation shall be deemed to have been commenced and to be continuing under the provisions of this Chapter and all assessment rates in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised assessment rates; and such revised assessment rates may be introduced at any time notwithstanding anything contained in section 61.

CHAPTER VII

ASSESSMENT AND RE-ASSESSMENT OF LAND IN URBAN AREAS

Provisions of Chapter to apply to lands in urban areas.

67. The provisions of this Chapter shall apply to all lands in urban areas.

Power of Deputy Commissioner to divide lands in urban area into plot numbers.

68. Subject to the rules made under this Regulation, the Deputy Commissioner may—

(*a*) divide the lands in an urban area into plot numbers, and

(*b*) recognise existing survey numbers as plot numbers, reconstitute plot numbers or form new plot numbers.

Power of Deputy Commissioner to re-number

69. (*1*) The Deputy Commissioner may either re-number plot numbers or sub-divide plot numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

or sub-divide plot numbers.

(2) The division of plot numbers into sub-divisions and the apportionment of the assessment of the plot numbers amongst the sub-divisions shall be carried out in accordance with the rules made under this Regulation and such rules may provide limits either of area or of land revenue, as the case may be, or of both, in any local area below which no sub-division shall be recognised:

Provided that the total amount of assessment of any plot number shall not be enhanced during the term of settlement unless such assessment is liable to alteration under the provisions of this Regulation.

Area and assessment of plot numbers and sub-divisions to be entered in records.

70. The area and assessment of plot numbers and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

Urban area to be divided into blocks for assessment.

71. For the purposes of assessment, an urban area shall be divided into blocks and in so dividing regard shall be had to the use of land for agricultural, industrial, commercial, residential or such other special purposes as may be prescribed.

Deputy Commissioner to fix standard rate of assessment and publication of standard rates.

72. (1) The Deputy Commissioner shall, with the approval of the Chief Commissioner and in accordance with the provisions of section 73, fix the standard rate of assessment per ten square meters of land in the case of non-agricultural land and per hectare of land in the case of agricultural land in each block in an urban area and such standard rates shall be published in the prescribed manner.

(2) Any person objecting to any standard rate may present a petition in writing to the Deputy Commissioner within the prescribed period and the Deputy Commissioner shall consider such objections after giving a hearing to the objector.

(3) The Deputy Commissioner shall submit the standard rates to the Chief Commissioner together with a summary of objections, if any, his decision on such objections and a statement of the grounds in support of his proposals.

(4) The Chief Commissioner may approve the standard rates submitted to him under sub-section (3) with such modifications, if any, as he may consider necessary.

(5) The standard rates approved under sub-section (4) shall be finally published in the Official Gazette.

(6) The standard rates published under sub-section (5) shall remain in force for a period of thirty years and shall thereafter continue to be in force until altered.

Fixation of standard rates of assessment.

73. (*1*) The average annual letting value of lands in each block shall be determined in the prescribed manner.

(*2*) The standard rates of assessment for lands held for purposes mentioned in clause (*b*) or clause (*c*) of sub-section (*1*) of section 40 shall be equal to one-third of the average annual letting value of the block determined under sub-section (*1*) and for purposes mentioned in clause (*d*) of sub-section (*1*) of section 40 shall be one-half of the said value.

(*3*) The standard rates of assessment for lands held for agricultural purposes shall be fixed in the prescribed manner with due regard to soil and position of land and to the profits of agriculture, to the consideration paid for leases and to the sale prices of such lands.

Maximum and minimum limits for rate of assessment.

74. The maximum and minimum limits for the rate of assessment shall respectively be one and a quarter times and three-fourths of the standard rates in force for the time being.

Deputy Commissioner to assess plot at rate prescribed.

75. The Deputy Commissioner shall assess every plot at a rate within the limits prescribed by section 74 regard being had to the use, situation and other advantages or disadvantages attaching to such plot:

Provided that if, in the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times of the land revenue and in the case of other lands six times of the land revenue payable immediately before the revision, the assessment shall be fixed at one and a half times of such land revenue in the case of agricultural land and at six times of such land revenue in the case of other lands.

Provided further that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

Term of settlement.

76. The assessment fixed under section 75 shall remain in force for a period of thirty years or for such longer period as may elapse before re-assessment after that period and such period shall be deemed to be the term of settlement for all purposes.

Assessment fixed shall be land revenue.

77. (*1*) The assessment fixed under section 75 shall be the land revenue payable annually on such plot number unless it is modified in accordance with the provisions of this Regulation.

(*2*) The Deputy Commissioner may, at any time during the term of settlement, correct any error in the area or assessment of any plot number due to any mistake in division of land into plot numbers or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

Land revenue or rent fixed under previous settlement to continue.

78. The land revenue or rent fixed for any land in an urban area under a settlement or a lease from Government with rights of renewal, made or granted before the commencement of this Regulation shall, notwithstanding the expiry of the term of such settlement or lease, continue to be in force until the assessment on such land is fixed in accordance with the provisions of this Chapter.

CHAPTER VIII

LAND RECORDS

Formation of patwari circles and appointment of patwaris.

79. (*1*) The Deputy Commissioner shall from time to time arrange the villages of the tehsil into patwari circles and may, at any time, alter the limits of any existing circle or create new circles or abolish existing ones.

(*2*) The Deputy Commissioner shall appoint one or more patwaris to each patwari circle for the maintenance and correction of land records and for such other duties as may be prescribed.

Formation of revenue circles.

80. The Deputy Commissioner shall from time to time arrange the patwari circles in the tehsil into revenue inspectors' circles and may, at any time, alter the limits of any existing circle or create new circles or abolish existing ones.

Appointment of revenue inspectors, etc.

81. (*1*) The Deputy Commissioner may appoint for each district as many persons as he thinks fit to be revenue inspectors, town surveyors, assistant town surveyors and measurers to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed.

(*2*) The town surveyor and assistant town surveyor shall be deemed to be a revenue officer for the purposes of sections 14 and 92 and a patwari for the purposes of sections 84 and 85 in respect of the areas under their charge.

Field map.

82. There shall be prepared by the prescribed authority a map showing the boundaries of survey numbers or plot numbers and waste lands called the "field map" for every village, except when otherwise directed by the Chief Commissioner.

Record-of-rights.

83. A record-of-rights shall, in accordance with the rules made under this Regulation, be prepared and maintained for every village and such record shall include the following particulars, namely:—

(*a*) the names of all tenants together with survey numbers or plot numbers held by each of them and their area;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;

(*c*) the land revenue, if any, payable by each of such persons; and

(*d*) such other particulars as may be prescribed.

Acquisition of rights to be reported.

84. (*1*) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land shall report orally or in writing his acquisition of such right to the patwari of the village within six months from the date of such acquisition, and the patwari shall give a written acknowledgement in the prescribed form for such report to the person making it:

Provided that when the person acquiring such right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari.

Explanation I.—For the purpose of this section, right in land does not include an easement over or a charge (not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882) on the land.

4 of 1882.

Explanation II.—A person, in whose favour a mortgage is redeemed or paid off or a lease is determined, acquires a right within the meaning of this section.

Explanation III.—Intimation in writing required to be given to the patwari under this section may be given through a messenger or in person or may be sent by registered post.

(*2*) Any such person as is referred to in sub-section (*1*) may also report in writing his acquisition of such right to the Tehsildar within six months from the date of such acquisition.

Register of mutations and register of disputed cases.

85. (*1*) The patwari shall enter in a register of mutations every acquisition of right reported to him under section 84 or coming to his notice from intimation received from the Tehsildar or the Gram Panchayat, if any, or from any other source.

(2) Whenever the patwari makes an entry in the register of mutations, he shall at the same time post up a complete copy of the entry in any place of public resort appointed by the Deputy Commissioner in the village.

(3) The fact of such entry shall be proclaimed in the village by beat of drum and written intimation thereof shall be given to all persons appearing to the patwari to be interested in the mutation and also to the Gram Panchayat or where a Gram Panchayat has not been established, to the Chaudhari appointed under section 132.

(4) Should any objection to any entry made under sub-section (1) in the register of mutations be made either orally or in writing to the patwari, he shall enter the particulars of the objection in a register of disputed cases, and shall give a written acknowledgement in the prescribed form for the objection to the person making it.

(5) Every objection entered in the register of disputed cases shall be disposed of, and every entry in the register of mutations shall be tested, and if found correct or after correction, as the case may be, shall be certified by such officers and in such manner as may be prescribed.

(6) Entries in the register of mutations, when duly certified, shall be transferred to the record-of-rights in the prescribed manner.

(7) Any report regarding the acquisition of any right of the kind specified in section 84 received by the patwari after the specified period shall be dealt with in accordance with the provisions of this section:

Provided that no action on the report of the patwari shall be taken by the Tehsildar unless it is verified by the revenue inspector.

Jurisdiction of civil courts.

86. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right which is recorded in the record-of-rights.

Correction of clerical errors.

87. The Deputy Commissioner may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights.

Land records.

88. In addition to the map and the record-of-rights, there shall be prepared for each village a khasra or field book and such other land records as may be prescribed.

Correction of wrong entry in land records by superior officers.

89. If any revenue officer finds that a wrong or incorrect entry has been made in the land records prepared under section 88 by an officer subordinate to him he shall direct necessary changes to be made therein after making such enquiry from the persons concerned as he may deem fit after due written notice.

Dispute regarding entry in land records.

90. (*1*) If any person is aggrieved by any entry made in the land records prepared under section 88 in respect of matters other than those referred to in section 83 he shall apply to the revenue officer for its correction within one year of the date of such entry.

(*2*) The revenue officer shall after making such enquiry as he may deem fit, pass necessary orders in the matter.

Presumption as to entries in land records.

91. Every entry in the land records existing at the commencement of this Regulation and every entry made therein under this Chapter shall be presumed to be correct until the contrary is proved or a new entry is lawfully substituted therefor.

Obligation to furnish information as to title.

92. (*1*) Every person, whose rights, interest or liabilities are required to be or have been entered in any record or register under this Chapter, shall be bound on requisition in writing by any revenue officer, engaged in compiling or revising the record or register to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or possession or power.

(*2*) The revenue officer, to whom any information is furnished, or before whom any document is produced under sub-section (*1*), shall give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

Penalty for neglect to furnish information.

93. Any person neglecting to make the report required by section 84 or furnish the information or produce the documents required by section 92 within the specified period shall be liable, at the discretion of the Deputy Commissioner to a penalty not exceeding twenty-five rupees.

Certified copies.

94. Certified copies of entries in the record-of-rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection.

95. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

CHAPTER IX

BOUNDARIES, BOUNDARY MARKS AND SURVEY MARKS

Construction of boundary marks of villages and survey numbers or plot numbers.

96. (*1*) The boundaries of all villages shall be fixed and demarcated by permanent boundary marks.

(*2*) The Chief Commissioner may, in respect of any village, by notification, order that the boundaries of all survey numbers or plot numbers shall also be fixed and demarcated by boundary marks and where such boundaries have been fixed and demarcated by boundary marks it shall be lawful for the Chief Commissioner to assess all charges incurred thereby on the holders of the survey numbers or plot numbers, as the case may be, or others having an interest therein.

(*3*) Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed.

(*4*) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary and survey marks erected thereon.

Disputes regarding boundaries between villages, survey numbers and plot numbers.

97. All disputes regarding boundaries of villages and boundaries of survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 96, shall be decided by the Deputy Commissioner after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

Ejectment of persons wrongfully in possession.

98. (*1*) When a boundary has been fixed under the provisions of section 96 the Tehsildar may summarily eject any person who is wrongfully in possession of any land which has been found not to appertain to his holding or to the holding of any person through or under whom he claims.

(*2*) Where any person has been ejected from any land under the provisions of sub-section (*1*), he may, within a period of one year from the date of ejectment institute a civil suit to establish his title thereto:

Provided that the Tehsildar, or any other revenue officer, shall not be made a party to such suit.

(*3*) The Tehsildar may at any time after the passing of the decree in the civil suit, if any, make an order for redistribution of land revenue which, in his opinion should be made as a result of the decree and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

Demarcation and maintenance of boundary lines.

99. (*1*) Every holder of land adjoining a village road, village waste or land reserved for community purposes, shall at his own cost and in the prescribed manner—

(*a*) demarcate the boundary between his land and the village road, village waste or land reserved for community purposes adjoining it by boundary marks, and

(*b*) repair and renew such boundary marks from time to time.

(*2*) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (*1*), the Tehsildar may, after such notice as he deems fit, cause the boundary to be demarcated or the boundary marks to be repaired or renewed and may recover from the holder the cost incurred thereby.

(*3*) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair, the matter shall be decided by the Deputy Commissioner whose decision thereon shall be final.

Explanation.—For the purpose of this section "village road" means a road which bears an indicative survey number or plot number.

Enforcement of repair of boundary or survey marks.

100. (*1*) After the end of November in each year, the patwari of the village shall give written notice to every holder on whose land the boundary or survey marks are defective calling upon him to put them into proper repair before the first day of March next following.

(2) After the first day of March in any year, the Tehsildar or any other revenue officer specially empowered in this behalf by the Chief Commissioner may cause any defective boundary or survey marks with respect to which a notice has been given under sub-section (*1*) to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which may extend to one rupee for every boundary mark or survey mark so repaired.

Demarcation of boundaries of survey number or sub-division or plot number.

101. Where no order has been made by the Chief Commissioner under sub-section (2) of section 96 the Tehsildar or any other revenue officer specially empowered in this behalf by the Chief Commissioner may, on the application of any party interested, demarcate the boundaries of a survey number or of a sub-division or of a plot number and construct boundary marks thereon and recover the cost of such demarcation and construction from the applicant.

Penalty for destruction, injury or removal of boundary or survey marks.

102. If any person wilfully destroys or injures, or without lawful authority, removes a boundary or survey mark lawfully constructed, he may be ordered by the Tehsildar or any other revenue officer specially empowered in this behalf by the Chief Commissioner to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Tehsildar or such other revenue officer, be necessary to defray the expenses of restoring the same and of rewarding the informant, if any.

Penalty for obstruction of way etc.

103. Any person who encroaches upon, or causes any obstruction to the use of, a recognised road, path or common land of a village shall be liable, under the written orders of the Tehsildar stating the facts and circumstances of the case, to a penalty which may extend to fifty rupees.

Removal of obstruction.

104. If the Tehsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village he may order the person responsible for such obstacle to remove it, and, if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof.

Execution of bond for abstaining from repetition of certain acts.

105. Any person who encroaches or causes any obstruction under section 103 may be required by the Tehsildar to execute a personal bond for such sum not exceeding five hundred rupees, as he may deem fit, for abstaining from repetition of such act.

CHAPTER X

REVISION OF MAPS AND RECORDS

Notification of record operations.

106. (*1*) If the Chief Commissioner is of opinion that in any local area a general or partial revision of the records, or a resurvey, or both, should be made, he shall issue a notification to that effect.

(*2*) Every such local area shall be held to be under record or survey operations, or both, as the case may be, from the date of the notification until the issue of another notification declaring the said operations to be closed therein.

Survey officers.

107. The Chief Commissioner may appoint an officer, hereinafter referred to as the "survey officer", to be in charge of the record or survey operations, or both, as the case may be, in any local area and as many Assistant Survey Officers as he may deem fit, and such officers shall exercise all the powers conferred on them by or under this Regulation so long as such local area is under record or survey operations or both.

Powers of survey officers as to erection of boundary marks.

108. When any local area is under survey operations the survey officer may issue a proclamation directing all the tenants and occupiers of land thereon to erect, within fifteen days of such proclamation, such boundary marks as he may think necessary to define the limits of their fields; and in default of their complying within the said period, he may cause such boundary marks to be erected, and the Deputy Commissioner shall recover the costs of their re-erection from such tenants and occupiers.

Decision of disputes.

109. In case of any dispute concerning any boundaries the survey officer shall decide such dispute in the prescribed manner.

Records to be prepared in survey operations.

110. When any local area is under survey operations the survey officer shall prepare for each village therein a map and field book, which shall thereafter be maintained by the Deputy Commissioner as provided by or under this Regulation, instead of the map and field book previously maintained

Preparation of new records-of-rights.

111. When any local area is under record operations the survey officer shall frame, for each village therein, the records specified in Chapter VIII or such of them as the Chief Commissioner may direct, and the record or portion thereof so framed shall thereafter be maintained by the Deputy Commissioner, instead of the record or portion of the record previously maintained.

Attestation of entries and decision of disputes.

112. All undisputed entries in the record of rights shall be attested by the parties interested, and all disputes regarding such entries, whether taken up by the survey officer on his own motion or upon application by any party interested, shall be disposed of by him.

Presumption as to entries.

113. All entries in the record-of-rights prepared in accordance with the provisions of this Chapter shall be presumed to be correct until the contrary is proved; and all decisions under this Chapter in cases of dispute shall, subject to the adjudication of rights by a civil court having jurisdiction, be binding on all revenue courts in respect of the subject-matter of such dispute; but no such entry or decision shall affect the rights of any person to claim and establish in a civil court any interest in land which requires to be recorded in the record-of-rights prepared under section 83.

CHAPTER XI

REALISATION OF LAND REVENUE

Land revenue first charge on land.

114. The land revenue assessed on any land shall be a first charge on that land and on the crops, rents and profits thereof.

Date on which land revenue falls due and is payable.

115. (*1*) The land revenue payable on account of a revenue year shall fall due on the first day of that year.

(*2*) The payment of land revenue may be made in cash or may, at the cost of the remitter, be remitted by money order on or before such date, in such instalments (if any) and to such persons as may be prescribed.

(*3*) Any period elapsing between the first day of the revenue year and any date prescribed for the payment of land revenue shall be deemed to be a period of grace, and shall not affect the provisions of sub-section (*1*).

Definitions of "arrear" and "defaulter".

116. Any land revenue due and not paid on or before the prescribed date becomes therefrom an arrear, and the persons responsible for the payment thereof become defaulters.

Persons receiving land revenue to give receipt.

117. (*1*) Where any person prescribed under sub-section (*2*) of section 115 receives payment from any other person on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue he shall grant a receipt to such other person for such sum in the prescribed form.

(*2*) If any person fails to give a receipt as required by sub-section (*1*), such person shall, on application by the payer, be liable by an order of the Tehsildar to pay a penalty not exceeding double the amount received.

Penalty for default of payment of land revenue.

118. If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, the Sub-Divisional Officer may, in the case of a wilful defaulter, impose a penalty not exceeding ten per cent. of the amount not so paid:

Provided that no such penalty shall be imposed for the non-payment of any instalment, the payment of which has been suspended by an order of the Chief Commissioner, in respect of the period during which the payment remained suspended.

Remission or suspension of land revenue on failure of crops.

119. The Chief Commissioner may, in accordance with the rules made under this Regulation, grant a remission or suspension of land revenue in areas in which crops have failed in any year.

Certified account to be evidence as to arrear and defaulter.

120. (*1*) A statement of account, certified by the Deputy Commissioner or the Tehsildar shall, for the purpose of this Chapter, be presumed to be a correct statement of the arrears of land revenue payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.

(2) No notice to the defaulters shall be necessary before drawing up the statement referred to in sub-section (1).

Notice of demand.

121. The Tehsildar or Naib-Tehsildar shall cause a notice of demand in the prescribed form and containing the prescribed particulars to be served on any defaulter before the issue of any process under section 122 for the recovery of an arrear of land revenue.

Process for recovery of arrear.

122. An arrear of land revenue payable to Government may be recovered by the Tehsildar in the prescribed manner by any one or more of the following processes, namely:—

(*a*) by attachment and sale of movable property belonging to the defaulter;

(*b*) by attachment of the holding in respect of which the arrear is due and the sale of the interest of the defaulter therein and where such holding consists of more than one survey number or plot number by such sale in one or more of such survey numbers or plot numbers as may be considered necessary to recover the arrear;

(c) by attachment and sale of the interest of the defaulter in any other immovable property:

Provided that the processes specified in clauses (*a*) and (*c*) shall not permit the attachment and sale of the following, namely:—

(*i*) the necessary wearing-apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(*ii*) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except any implements driven by mechanical power and such cattle and seed as may, in the opinion of the Tehsildar, be necessary to enable him to earn his livelihood as such;

(*iii*) articles set aside exclusively for the use of religious endowments;

(*iv*) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.

Cost recoverable as part of arrear.

123. The cost of serving a notice of demand under section 121 or of issuing and enforcing any process under section 122 shall be recoverable as part of the arrear in respect of which the notice was served or the process was issued.

Enforcement of processes in other districts.

124. The processes specified in clauses (*a*) and (c) of section 122 may be enforced either in the district in which the default has been made or in any other district.

Payment under protest and suit for recovery.

125. (*1*) If proceedings are taken under this Chapter against any person for the recovery of an arrear of land revenue he may, at any time before his interest in the property is knocked down at a sale, pay the amount claimed and may, at the same time, deliver a protest signed by himself or by his authorised agent to the revenue officer taking such proceedings, and thereupon such proceedings shall be stayed.

(*2*) Any person complying with the provisions of sub-section (*1*) may, notwithstanding anything contained in section 120, object to the Sub-Divisional Officer that nothing was due or that the amount due was less than the amount for the recovery of which proceedings were taken and the Sub-Divisional Officer shall decide the objection so raised.

(*3*) Where the Sub-Divisional Officer decides that the amount due was less than the amount for the recovery of which proceedings were taken he shall as early as practicable refund the excess amount to such person.

(*4*) No appeal shall lie against the order of the Sub-Divisional Officer passed under sub-section (*2*), but the person aggrieved by such order may institute a civil suit for the recovery of the sum paid under protest.

Application of proceeds of sale.

126. (*1*) The proceeds of every sale under this Chapter shall be applied, firstly, in satisfaction of the arrears on account of which the sale was held and of the expenses of such sale, secondly, to the payment of any arrears of cesses due from the defaulter under any law for the time being in force, thirdly, to the payment of any other arrear payable to the Government by the defaulter, and fourthly, to the payment of any arrears due from the defaulter to a co-operative society, and the surplus, if any, shall then be payable to him, or where there are more defaulters than one, to such defaulters according to their respective interests in the property sold:

Provided that the surplus shall not be paid to the defaulter or defaulters, as the case may be, until after the expiry of two months from the date of the sale in the case of movable property or from such date as may be prescribed in the case of immovable property.

(*2*) Notwithstanding anything contained in sub-section (*1*), the proceeds of sale under clause (c) of section 122 shall be applied first to the payment of arrears of land revenue payable by the defaulter

for the immovable property sold up to the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (*1*).

Interest of the defaulter in the property sold for arrears to be free from encumbrances.

127. Unless the Sub-Divisional Officer otherwise directs, the purchaser of the interest of the defaulter in the immovable property sold for arrears of land revenue, shall acquire such interest free of all encumbrances imposed on it and all grants and contracts made in respect of it, by any person other than the purchaser.

Purchaser's title.

128. (*1*) Where the interest of the defaulter in any immovable property is sold under the provisions of this Chapter and such sale has been confirmed by the prescribed authority in the prescribed manner such interest shall be deemed to have vested in the purchaser from the time when such interest is sold and not from the date on which the sale has been confirmed.

(*2*) When a sale is confirmed under sub-section (*1*), the Sub-Divisional Officer shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the interest of the defaulter in the property specified therein and such certificate shall be deemed to be a valid transfer of such interest.

Purchaser not liable for land revenue due prior to sale.

129. The purchaser shall not be liable for land revenue payable in respect of the property for any period previous to the date of the sale.

Moneys recoverable as an arrear of land revenue.

130. The following moneys may be recovered, under this Regulation in the same manner as an arrear of land revenue, namely:—

(*a*) all rents, cesses, royalties, water rates, fees, charges, premia, penalties, fines and costs due to the Government under this Regulation;

(*b*) all moneys falling due to the Government under any grant, licence, lease or contract which provides that they shall be recoverable in the same manner as an arrear of land revenue;

(*c*) all sums declared by this Regulation, or any other law for the time being in force, to be recoverable in the same manner as an arrear of land revenue; and

(*d*) any sum ordered by a liquidator appointed under the Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the cost of liquidation:

2 of 1912.

Provided that no action shall be taken on application for recovery of a sum specified in clause (*d*), unless such application is accompanied by a certificate signed by the Registrar appointed under that Act that the sum should be recovered as an arrear of land revenue.

Recovery of moneys from surety.

131. Every person who may have become a surety under any grant or licence made or granted under this Regulation whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Regulation in the same manner as for the recovery of arrears of land revenue.

CHAPTER XII

VILLAGE OFFICERS

A.—Chaudhari

Appointment of Chaudharis.

132. (*1*) The Deputy Commissioner may appoint for each village or group of villages one or more Chaudharis.

(*2*) When there are two or more Chaudharis in a village, the Deputy Commissioner may distribute, subject to the rules made under this Regulation, duties of the office of Chaudhari among them in such manner as he may think fit.

Remuneration of Chaudharis.

133. The remuneration of Chaudharis shall be fixed by the Deputy Commissioner in accordance with the rules made under this Regulation.

Duties of Chaudharis.

134. It shall be the duty of every Chaudhari,—

(*a*) to collect and pay into the Government Treasury land revenue and cesses payable through him and such other Government dues ordered to be collected by him;

(*b*) to furnish reports regarding the state of his village at such places and times as the Deputy Commissioner may fix in this behalf;

(*c*) to prevent encroachments on waste land, public paths, and roadways in the villages;

(*d*) to preserve such stations and boundary marks erected in his village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such station or marks;

(*e*) subject to rules made under this Regulation, to keep the village in good sanitary condition;

(*f*) to prevent unauthorised cutting of wood or unauthorised removal of any minerals or other properties belonging to the Government;

(*g*) to control and supervise the work of the chaukidar;

(*h*) to perform such other duties as may be prescribed.

Removal of Chaudharis.

135. Subject to the rules made under this Regulation, the Deputy Commissioner may remove from office any Chaudhari.

Punishment of Chaudharis.

136. A Chaudhari who is found negligent in the performance of any duty assigned to him by or under this Regulation shall be liable, under the orders of the Tehsildar, to a fine which may extend to twenty rupees.

Appointment of substitute Chaudhari.

137. Where a Chaudhari is temporarily unable to perform his duties, the Sub-Divisional Officer may, on his application or otherwise, appoint a substitute for a period not exceeding six months and the substitute so appointed shall, for all the purposes of this Regulation, be deemed to be a Chaudhari.

Entrustment of village management and duties of Chaudhari.

138. Notwithstanding anything contained in this Regulation, the Chief Commissioner may, subject to such conditions, as may be prescribed, entrust the management of a village or the performance of the duties assigned to a Chaudhari by or under this Regulation to a Gram Panchayat:

Provided that no such entrustment shall be made except with the consent of the Gram Panchayat.

B.—Chaukidar

Appointment of Chaukidars, and their duties.

139. For each village or group of villages, there shall be appointed, in accordance with the rules made under this Regulation, one or more Chaukidars for the performance of such duties as may be prescribed.

Remuneration of Chaukidars.

140. The remuneration of Chaukidars shall be fixed by the Deputy Commissioner in accordance with the rules made under this Regulation.

CHAPTER XIII

TENURE HOLDERS

Classes of tenants.

141. There shall be the following classes of tenants, namely:—

(*i*) Occupancy tenants;

(*ii*) Non-occupancy tenants;

(*iii*) Grantees; and

(*iv*) Licensees.

Occupancy tenants.

142. Every person belonging to any of the following classes shall be called an occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Regulation, namely:—

(*a*) every person who, immediately before the commencement of this Regulation, had acquired the right of occupancy under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926; 3 of 1926.

(*b*) every person who has, as a non-occupancy tenant, cultivated any holding, not being a holding situate within the local limits of the Port Blair Municipal Board, continuously for a period of two years from the commencement of this Regulation or of such tenancy, whichever is later, in accordance with the provisions of this Regulation and is not in arrears of land revenue.

Non-occupancy tenants.

143. Every person belonging to any of the following classes shall be called a non-occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon a non-occupancy tenant by or under this Regulation, namely :—

(*a*) every person who, immediately before the commencement of this Regulation, was a non-occupancy tenant under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926; 3 of 1926.

(*b*) every person who is granted a licence under clause (*ii*) of section 146 in respect of any agricultural land.

Grantees.

144. (*1*) Every person belonging to any of the following classes shall be called a grantee and shall have all the rights and be subject to all the liabilities conferred or imposed upon a grantee by or under this Regulation, namely:—

(*a*) every person who, immediately before the commencement of this Regulation, was in occupation of any land in pursuance of a grant made under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926; 3 of 1926.

(*b*) every person to whom a grant is made under clause (*i*) of section 146.

(*2*) Notwithstanding anything contained in sub-section (*1*), every person who, not being an occupancy or non-occupancy tenant, is in possession of any coconut or arecanut plantation in the Nicobars immediately before the commencement of this Regulation otherwise than in pursuance of a grant or licence made or granted under the

3 of 1926. Andaman and Nicobar Islands (Land Tenure) Regulation, 1926, shall be deemed to be a grantee thereof for the purpose of this Regulation for such period as the Chief Commissioner may by notification specify from time to time.

Explanation.—In this sub-section "Nicobars" means all the Islands comprised in the Union territory of the Andaman and Nicobar Islands lying south of 10 Degree Channel.

Licensees.

145. Every person belonging to any of the following classes shall be called a licensee and shall have all the rights and be subject to all the liabilities conferred or imposed upon a licensee by or under this Regulation, namely:—

(*a*) every person who, immediately before the commencement of this Regulation, was in occupation of any land in pursuance of a licence granted under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926;

3 of 1926.

(*b*) every person who is granted a licence in respect of any non-agricultural land under clause (*ii*) of section 146.

Power to make grants and licences.

146. The Chief Commissioner may, on such terms and subject to such conditions as he thinks fit,—

(*i*) make to any person, for the cultivation of coconuts, coffee, rubber and other long-lived crops and for the construction of buildings and works to be used for the purpose of, or in connection with, such cultivation, a grant of land for any period not exceeding thirty years with an option for renewal for a like period:

Provided that for the cultivation of rubber crop a longer period may be specified by the Chief Commissioner with the approval of the Government;

(*ii*) grant a licence in writing to any person to occupy any land to such extent and for such purposes as may be prescribed.

Licensee to construct a building.

147. A licence whether granted either before or after the commencement of this Regulation to occupy land and construct a building thereon may be liable to be cancelled if the licensee fails to construct the building on the site within a period of two years from the date of grant of the licence or such further time as the Chief Commissioner may allow.

Devolution.

148. Subject to his personal law, the interest of a tenant in his holding shall, on his death, pass by inheritance, survivorship or bequest, as the case may be.

Sub-letting.

149. (*1*) Subject to the provisions of sub-sections (*2*) and (*3*) no tenant shall, after the commencement of this Regulation, sub-let for any period whatsoever any agricultural land comprised in his holding:

Provided that nothing in this sub-section shall prevent a tenant, who is a member of a registered co-operative farming society from sub-letting any such land to such society.

(*2*) A tenant who is—

(*i*) a person under disability; or

(*ii*) a person, being a permanent resident of the Union territory of the Andaman and Nicobar Islands, but in the service of the Union and employed in the main land of India; or

(*iii*) a public, charitable or religious institution; or

(*iv*) a local authority or a co-operative society,

may sub-let the whole or any part of his or its holding:

Provided that where a holding is held jointly by more than one person, the provisions of this sub-section shall not be applicable unless all such persons belong to any one or more of the classes aforesaid:

Provided further that any sub-letting made in pursuance of this sub-section shall cease to be in force on the expiry of the agricultural year immediately following the date on which such person ceases to belong to any one or more of the classes aforesaid.

(*3*) Where on account of any unforeseen calamity a tenant is unable to cultivate his holding and obtains a certificate in that behalf from the Tehsildar, he may sub-let the whole or any part of his holding for one year during any consecutive period of three years.

(*4*) Where a tenant had sub-let any agricultural land immediately before the commencement of this Regulation and the period for which such land was sub-let is not over at such commencement, the person to whom such land had been sub-let shall be entitled to remain in possession thereof after such commencement for the remaining period for which such land was sub-let or until the expiry of the agricultural year immediately following such commencement whichever is earlier.

(*5*) The rent payable by a sub-tenant in respect of any agricultural land held by him shall not exceed,—

(*a*) where the rent is payable in kind as a share of the produce, one-fourth of the produce in such land or its value calculated in the prescribed manner, if plough cattle for the cultivation

of such land is supplied by the tenant, and one-fifth of such produce or its value as so calculated, if such plough cattle is not supplied by the tenant;

(*b*) in any other case, four times the land revenue payable in respect of the land.

(*6*) The rent payable by a sub-tenant shall, subject to the provisions of sub-section (5), be the rent agreed upon between him and the tenant or where there is no such agreement the reasonable rent which shall be determined in the prescribed manner.

(*7*) The rent shall be paid at such time and in such manner as may be agreed upon or, in the absence of such agreement, as may be prescribed.

(*8*) Every tenant receiving rent shall give or cause to be given to the sub-tenant a receipt for the same in such form as may be prescribed duly signed by him or his authorised agent.

Effect of sub-letting contravention of section 149.

150. Where a tenant sub-lets any holding or part thereof in contravention of the provisions of section 149 such tenant and the person to whom the holding or part thereof has been sub-let shall, notwithstanding anything contained in any law, be liable to ejectment from such holding or part thereof.

Ejectment of tenant

151. (*1*) A tenant shall be liable to be ejected from his holding by an order of the Sub-Divisional Officer, made on any of the following grounds, namely:—

(*a*) he has done any act which is destructive or permanently injurious to the land comprising the holding; or

(*b*) he has used such land for any purpose other than that for which it was given; or

(*c*) he has transferred his interest in such land in contravention of the provisions of this Regulation or any rule made thereunder.

(*2*) No order under sub-section (*1*) shall be passed unless the Sub-Divisional Officer has, by notice, called upon the tenant to show cause against his ejectment.

(*3*) No order for ejectment shall be executed before the 1st day of February or after the 30th day of April in any year.

Abandonment of holding.

152. (*1*) Where an occupancy tenant or a non-occupancy tenant leaves the locality in which he usually resides without making any arrangement for the cultivation of his holding or when a grantee leaves the village in which he usually resides without making proper

arrangement for the maintenance of the holding given under the grant, for a continuous period for two agricultural years, the Sub-Divisional Officer, may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation and upkeep by letting it out for a period of one agricultural year at a time on behalf of such occupancy tenant, non-occupancy tenant or grantee.

(2) Where such occupancy tenant, non-occupancy tenant or grantee or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Sub-Divisional Officer took possession of the land, it shall be restored to him on payment of the dues, if any, and on such terms and conditions as the Sub-Divisional Officer may think fit.

(3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed the Sub-Divisional Officer shall make an order declaring the holding abandoned and the holding shall vest absolutely in the Government from such date as may be specified in that behalf in the order.

(4) Where a holding is declared abandoned under sub-section (3), the liability of such occupancy tenant, non-occupancy tenant or grantee for the arrears of revenue due from him in respect thereof shall stand discharged.

Surrender.

153. (1) Subject to the provisions of this Regulation, a tenant may surrender his holding or any part thereof by making an application in writing to the Tehsildar intimating his intention to do so and by giving possession thereof whether such holding is or is not let.

(2) Notwithstanding the surrender, unless the tenant applies before the first day of February in any year he shall be liable to pay the land revenue for the holding for the agricultural year next following the date of surrender.

(3) Where only a part of the holding has been surrendered the Tehsildar shall apportion the assessment of the holding, in accordance with the rules made under this Regulation.

Exchange.

154. (1) An occupancy tenant, a non-occupancy tenant or a grantee may, by agreement, exchange any land comprised in his holding with the land of any other tenant of the same class with the previous permission of the Sub-Divisional Officer.

(2) When any land is exchanged under sub-section (1), a tenant shall have the same rights in the land so received by him in exchange as he had in the land given by him in exchange.

(3) Where the Sub-Divisional Officer permits any exchange under sub-section (1) he shall also order the relevant records to be corrected accordingly.

Partition.

155. (1) A tenant may sue in the court of the Sub-Divisional Officer for partition of his share in a holding comprising of agricultural land:

Provided that where any question of title is raised no such partition shall be made, until such question has been decided by a civil court.

(2) The Sub-Divisional Officer may, after hearing the co-tenure holders, divide the holding and apportion the assessment of the holding in accordance with the rules made under this Regulation.

(3) No partition shall be allowed if it results in creating a holding, the area of which will be below two hectares.

(4) Where in the course of partition the area of the holding of a co-tenure holder falls below two hectares, the Sub-Divisional Officer may, on an application being made in this behalf by such co-tenure holder, direct the sale of his interest in the holding to another co-tenure holder willing to purchase such interest at the price determined by the Sub-Divisional Officer in accordance with the rules made under this Regulation:

Provided that if two or more co-tenure holders are willing to purchase such interest, the Sub-Divisional Officer shall order the sale to the co-tenure holder who offers to pay the highest price above the price determined by him.

(5) If none of the co-tenure holders is willing to purchase the share of the co-tenure holder intending to sell his interest in the holding in accordance with sub-section (4), the Sub-Divisional Officer shall direct the sale of the interest of the co-tenure holders in the entire holding by public auction and shall distribute the proceeds of the sale after deducting the expenses of the sale among the co-tenure holders in accordance with their respective interests in the holdings.

(6) One suit may be instituted for the partition of more than one holding where all the parties to the suit are jointly interested in each of the holdings.

Rights to trees in holding.

156. (1) Subject to the provisions of this section all trees standing in the holding of an occupancy tenant shall belong to him.

(2) The transfer by an occupancy tenant of any trees standing in any land comprised in his holding except the produce of such trees shall be void unless his interest in the land itself is transferred.

(3) Trees standing in any land comprised in the holding of an occupancy tenant shall not be attached or sold in execution of a decree or order of a civil court or under an order of a revenue officer or under an order made in pursuance of the provisions of any law for the time being in force unless his interest in the land itself is attached or sold.

(4) All commercial trees standing in the holding of an occupancy tenant shall belong to the Government and it shall be the duty of the Government to remove or cause to be removed such trees from the holding within a period of five years from the commencement of this Regulation or the acquisition of the occupancy right by the tenant, whichever is later:

Provided that where the Chief Commissioner is of opinion that it is not practicable to remove such trees within the said period of five years, he may, by notification, extend the said period of five years generally or in relation to any specified holding or class of holdings by such further period or periods as he thinks fit; so, however, that the total period so extended shall not, in any case, exceed one year.

(5) If any such trees are not removed within the aforesaid period or the period so extended, such trees shall, on the expiry of that period, belong to the occupancy tenant.

Right to make improvement.

157. (1) A tenant shall be entitled to make any improvement in his holding for the better cultivation of the land or its more convenient use:

Provided that he shall not plant trees in such a way as to diminish the value of any land not included in his holding.

(2) If a tenant plants, or proposes to plant, trees in such a way as to diminish the value of any land not included in his holding, any person affected thereby may apply to the Tehsildar for prohibiting the planting of trees on such land or directing the tenant to remove the trees already planted thereon and the Tehsildar may, after hearing the parties, either grant the application subject to such conditions as he thinks fit or reject it.

(3) If a tenant has effected any improvement on any land comprised in his holding and his interest in the holding is extinguished under clause (*b*) or clause (*c*) or clause (*e*) of section 162, he shall be entitled to receive, on such extinguishment, such compensation for it as the revenue officer may determine in accordance with the provisions of sub-section (4).

(4) The amount of compensation determined by the revenue officer shall be the value of the improvement at the time of extinguishment of the tenancy, estimated with due regard to—

(a) the amount by which the value of the interest of the tenant in the land has increased by the improvement;

(b) the condition of the improvement at the time of determination of compensation and the probable duration of its effect;

(c) the labour and capital provided or spent by the tenant for the making of the improvement; and

(d) any other matter which may be prescribed.

Reduction of revenue during the currency of settlement.

158. (1) At any time during the currency of any settlement the Deputy Commissioner may, in accordance with the rules made under this Regulation, on the application of a tenant or of his own motion reduce the land revenue in respect of any land on any of the following grounds, namely:—

(i) that the land has been wholly or partially rendered unfit for cultivation in consequence of floods or other cause beyond the control of such tenant;

(ii) that the area of the holding of the tenant has diminished for any reason, below the area in relation to which the land revenue was assessed.

(2) Where any reduction is ordered under sub-section (1), such reduction shall take effect from the commencement of the revenue year next following the date of the order.

(3) If the cause for which land revenue has been reduced under sub-section (1) subsequently ceases or is removed, the Deputy Commissioner may, after giving the tenant a reasonable opportunity of being heard, make an order directing that such reduction shall cease to be in force and on such order being made, the reduction shall stand removed from the commencement of the revenue year next following the date of the order.

Right of transfer.

159. (1) (a) Subject to the provisions of section 186 an occupancy tenant may transfer any interest in his land:

Provided that an occupancy tenant, from whom any amount by way of loan or otherwise is due to the Government, shall not transfer such interest except with the previous permission in writing of the Deputy Commissioner.

(b) A grantee may transfer any interest in his land with the previous permission in writing of the Chief Commissioner.

(2) Notwithstanding anything contained in sub-section (*1*),—

(*i*) no mortgage of his interest in any land by an occupancy tenant shall be valid unless at least two hectares of land is left with him free from any encumbrance or charge;

(*ii*) no occupancy tenant shall have the right to transfer his interest in any land if after such transfer the total extent of the land held by him will be reduced below two hectares:

Provided that nothing in this clause shall apply to such transfer in favour of a co-operative society or an institution established for a public, religious or charitable purpose;

(*iii*) the right of an occupancy tenant or a grantee belonging to any Scheduled Tribe shall not be transferred to a person not belonging to such Tribe without the previous permission of a revenue officer not below the rank of a Deputy Commissioner, given for reasons to be recorded in writing.

(*3*) Notwithstanding anything contained in sub-section (*1*) or any other law for the time being in force,—

(*a*) the interest of an occupancy tenant in any land the extent of which is two hectares or less, shall not be liable to be attached or sold in execution of any decree or order of any court;

(*b*) the interest of an occupancy tenant or a grantee belonging to any Scheduled Tribe in his land shall not be liable to be attached or sold in execution of any decree or order of any court.

(*4*) Nothing in this section shall—

(*a*) prevent an occupancy tenant or a grantee from transfering his interest in any land to secure payment of, or shall affect the right of the Government to sell such right for the recovery of, an advance made to him under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884; 19 of 1883. 12 of 1884.

(*b*) prevent a grantee from transferring his interest in any land to secure payment of an advance made to him by a co-operative society; or

(*c*) affect the right of any such society to sell such interest for the recovery of such advance.

(*5*) Where an occupancy tenant effects a mortgage other than a usufructuary mortgage of his interest in the land, then, notwithstanding anything contained in the mortgage deed, the total amount of

interest accruing under the mortgage shall not exceed one-half of the principal amount advanced by the mortgagee.

(6) Notwithstanding anything contained in the Indian Registration Act, 1908, no officer empowered to register documents thereunder shall admit to registration any document which purports to contravene the provisions of this section.

16 of 1908.

(7) Nothing in this section shall apply to any transfer of his interest in any land made by an occupancy tenant or a grantee before the commencement of this Regulation.

(8) The interest of a non-occupancy tenant shall be non-transferable.

(9) The interest of a licensee of non-agricultural land shall not be transferable except with the previous permission in writing of the Chief Commissioner:

Provided that where within a period of sixty days after the receipt of any application from any licensee for permission to transfer his interest in any non-agricultural land, being a house site, the Chief Commissioner does not refuse permission or upon refusal, does not communicate the refusal to the licensee, then, the Chief Commissioner shall be deemed to have granted permission for such transfer.

Explanation.—For the purpose of this section "Scheduled Tribe" shall have the same meaning as in clause (25) of article 366 of the Constitution.

Forfeiture in case of certain transfers.

160. If a transfer of interest in land is made in contravention of the provisions of clause (*ii*) of sub-section (2) of section 159 the interest so transferred shall stand forfeited to the Government in accordance with such rules as may be made in that behalf.

Reinstatement of wrongfully ejected tenant.

161. (1) If after the commencement of this Regulation any tenant is dispossessed of any land held by him otherwise than by process of law, he may within two years from the date of such dispossession, apply to the Tehsildar for his reinstatement in such land.

(2) On receipt of an application under sub-section (1), the Tehsildar shall, after making an enquiry into the respective claims of the parties, pass orders on the application and when he orders the restoration of possession to the tenant, put him in possession of the land.

(3) The Tehsildar may, at any stage of the enquiry under sub-section (2), pass an interim order for delivery of possession of the

land to the applicant, if he finds that the applicant was dispossessed by the opposite party within six months prior to the date of submission of the application under sub-section (*1*) and if possession is not delivered to the applicant, the Tehsildar shall cause the opposite party to be ejected.

(*4*) When an interim order has been passed under sub-section (*3*), the opposite party may be required by the Tehsildar, to execute a bond for such sum as he may deem fit for abstaining from taking possession of the land until the final order is passed by him.

(*5*) If the person executing the bond under sub-section (*4*) is found to have entered into, or taken possession of, the land in contravention of the bond, the Tehsildar may forfeit the bond in whole or in part and may recover such amount from such person as an arrear of land revenue.

(*6*) If the order passed under sub-section (*2*) is in favour of the applicant, the Tehsildar shall also award a reasonable compensation to be paid to the applicant by the opposite party:

Provided that the amount of compensation shall not exceed ten times the land revenue payable in respect of the land for each year's occupation.

(*7*) Any compensation awarded under this section shall be recoverable as an arrear of land revenue.

Extinguishment of tenancies.

162. The interest of a tenant in his holding or any part thereof shall be extinguished,—

(*a*) when he dies leaving no heir entitled to his interest under this Regulation; or

(*b*) when he surrenders his holding or such part; or

(*c*) when the holding or such part has been transferred, let-out or used in contravention of the provisions of this Regulation; or

(*d*) when the land comprised in the holding has been acquired under any law for the time being in force, relating to acquisition of land; or

(*e*) when he has been ejected under this Regulation; or

(*f*) when he has been deprived of possession and his right to recover possession is barred by limitation; or

(*g*) when his holding is declared as abandoned.

CHAPTER XIV

CONSOLIDATION OF HOLDINGS

163. In this Chapter,— **Definitions.**

(*i*) "consolidation of holdings" means the redistribution of or any of the land in a village, so as to allot to the tenants contiguous plots of land for the convenience of cultivation;

(*ii*) "consolidation officer" means a revenue officer, not below the rank of a Tehsildar, appointed by the Chief Commissioner for any district or districts to exercise the powers, and to perform the duties of a consolidation officer under this Regulation;

(*iii*) "scheme" means a scheme for the consolidation of holdings;

(*iv*) "tenant" does not include a grantee or a licensee of non-agricultural land.

164. (*1*) Any two or more tenants in a village holding together not less than the prescribed minimum area of land may apply in writing, stating such particulars as may be prescribed, to the consolidation officer for the consolidation of their holdings. **Initiation of consolidation proceedings.**

(*2*) The Deputy Commissioner may of his own motion direct the consolidation officer to make an enquiry into the feasibility of consolidation of holdings in any village.

(*3*) If two-thirds of the tenants in a village apply for consolidation of their holdings or if in the course of an enquiry conducted in pursuance of an application made under sub-section (*1*) or in pursuance of a direction under sub-section (*2*), two-thirds of the tenants of any village make an application agreeing to the consolidation of their holdings, such application shall be deemed to be an application on behalf of all the tenants of the village.

165. (*1*) If on receipt of any such application or at any stage of the proceedings thereon, there appears to be good and sufficient reason for disallowing the application or for excluding the case of any applicant from consideration, the consolidation officer may submit the application to the Deputy Commissioner with a recommendation that the application be rejected in whole or in part. **Rejection of application.**

(*2*) The Deputy Commissioner, on receipt of the recommendation, may accept it and pass orders accordingly or may order further inquiry.

Admission of application.

166. If the consolidation officer admits the application he shall proceed to deal with the same in accordance with the procedure laid down by or under this Regulation.

Preparation of scheme for consolidation of holdings.

167. (*1*) If the tenants making the application under section 164 submit a scheme mutually agreed to, the consolidation officer shall, in such manner as may be prescribed, examine it and, if necessary, modify it.

(2) If no scheme is submitted with the application, the consolidation officer shall prepare a scheme in such manner as may be prescribed and invite objections, if any, on the scheme in the prescribed manner from the persons likely to be affected thereby.

(*3*) If the consolidation officer is of opinion that the redistribution of land in accordance with the scheme will have the result of alloting to any tenant an interest in any holding or land of a less market or productive value than that of his interest in the original holding or land the scheme may provide for the payment of compensation to such tenant by such person or persons as the consolidation officer may direct.

(*4*) The amount of compensation payable under sub-section (*3*) shall be calculated as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894. 1 of 1894.

(5) When the scheme is complete, the consolidation officer, after considering and as far as possible removing the objections, if any, made to the scheme, shall submit it for confirmation to the Deputy Commissioner.

Confirmation of scheme.

168. The Deputy Commissioner may either confirm the scheme with or without modifications or refuse to confirm it after considering the objection or objections if any, to the scheme and the recommendation of the consolidation officer, and the decision of the Deputy Commissioner shall subject to any order that may be passed in revision by the Chief Commissioner under section 33, be final.

Consequences of confirmation.

169 (*1*) When a scheme is confirmed—

(*i*) it shall be binding if the scheme is in relation to a case falling under sub-section (*3*) of section 164, on all the tenants of the village and on all persons who may subsequently be entitled to hold or occupy the land affected by the scheme and, in any other case, on the applicants and those who have agreed to the consolidation of their holdings and on all persons who may subsequently be entitled to hold or occupy the land affected by the scheme;

(*ii*) the consolidation officer shall, if necessary, demarcate the boundaries of the holdings and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme a new field map, record of rights, other records prescribed under section 88 and Nistar Patrak (village administration paper).

(*2*) The new records prepared under sub-section (*1*) shall be deemed to have been prepared under Chapter VIII or Chapter XVI, as the case may be.

Rights of tenants to possession of holdings.

170. The tenants on whom a scheme is binding shall be entitled to possession of the holdings allotted to them under the scheme, from the commencement of the agricultural year next following the date of confirmation of the scheme; and the consolidation officer shall, if necessary, put them by warrant in possession of the holdings to which they are entitled:

Provided that if all the tenants agree, they may, after confirmation, be put into possession of the holdings to which they are entitled by the consolidation officer from any earlier date.

Transfer of rights of tenants in holdings.

171. (*1*) Notwithstanding anything contained in this Regulation, the rights of tenants in their holdings shall, for the purpose of giving effect to any scheme affecting them, be transferable by exchange or otherwise and no person shall be entitled to object to or interfere with any transfer made for the said purpose.

(*2*) The consolidation officer may also transfer by exchange or otherwise any land belonging to the Government where such transfer is necessary for the purpose of giving effect to any scheme.

No instrument necessary to effect transfer.

172. Notwithstanding anything contained in any law for the time being in force—

(*a*) no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme; and

(*b*) no such instrument, if executed, shall require registration.

Cost of carrying out scheme.

173. (*1*) The consolidation officer shall, unless the Chief Commissioner for sufficient reasons directs otherwise, recover from the tenants whose holdings are affected by the scheme the costs of carrying out the scheme, which shall be assessed in accordance with the rules made under this Regulation.

(*2*) The consolidation officer shall apportion the costs among the tenants liable to pay the same according to the occupied area of the holdings affected by the scheme.

Recovery of compensation and costs.

174. Any amount payable as compensation under sub-section (3) of section 167 or sub-section (2) of section 178, shall be recoverable as an arrear of land revenue.

Suspension of partition proceedings during currency of consolidation proceedings.

175. When an application for the consolidation of holdings has been admitted under section 166, no proceedings for partition of the holdings which will affect the scheme shall be commenced and all such proceedings pending shall remain in abeyance during the continuance of the consolidation proceedings.

Transfer of property during proceedings.

176. Notwithstanding anything contained in this Regulation when an application for the consolidation of holdings has been admitted under section 166, no tenant upon whom the scheme will be binding shall have power during the continuance of the consolidation proceedings, to transfer or otherwise deal with his interest in any part of his original holding or land so as to affect the rights of any other tenant thereto under the scheme.

Rights of tenants after consolidation to be the same as before.

177. A tenant shall have the same rights in the holding or land allotted to him in pursuance of a scheme as he had in his original holding or land.

Encumbrances of tenants.

178. (1) If the holding of any tenant included in a scheme was burdened with a lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance, shall be transferred therefrom and attach itself to the holding allotted to him under the scheme or to such part of it as the consolidation officer may determine and thereafter the lessee, mortgagee or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(2) If the holding to which a lease, mortgage or other encumbrance is transferred under sub-section (1), is of a less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall be entitled to the payment of such compensation by the person concerned as the consolidation officer may determine.

(3) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force the consolidation officer shall, if necessary put any lessee or any mortgagee or other encumbrancer entitled to possession by warrant into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

CHAPTER XV

CO-OPERATIVE FARMS

Formation of co-operative farm.

179. Any ten or more occupancy tenants holding between them twelve hectares or more of land in any circle referred to in section 79 or section 80 and desiring to start a co-operative farm, may apply in writing to the Registrar appointed under the Co-operative Societies Act, 1912, hereinafter referred to as the "Registrar", for the registration thereof.

2 of 1912.

Application for registration.

180. An application for the registration of a co-operative farm shall be accompanied by extracts from the record-of-rights showing the total area with the recorded numbers of all the fields held by each of the applicants in the circle and shall contain such further particulars as may be prescribed.

Registration of co-operative farm.

181. The Registrar may, if he is satisfied after such enquiry as may be prescribed that the application has been duly made, register the co-operative farm under the Co-operative Societies Act, 1912, and grant a certificate of registration.

2 of 1912.

Land held by a member to be transferred to the farm.

182. When a co-operative farm has been registered under section 181 all lands in the circle held by the members shall, for so long as the registration of the co-operative farm is not cancelled, be deemed to be transferred to and held by the co-operative farm which shall thereupon hold such land in accordance with the provisions of this Chapter, and may, notwithstanding anything contained in this Regulation, use it for purposes of agriculture or for the development of cottage industries.

Consequences of registration.

183. When a certificate of registration in respect of any co-operative farm has been granted under section 181, the provisions of the Co-operative Societies Act, 1912 shall, in so far as they are not inconsistent with the provisions of this Regulation or the rules made thereunder, be applicable thereto.

2 of 1912.

Bye-laws of the farm.

184. Every application submitted under section 179 shall be accompanied with a copy of the proposed bye-laws of the co-operative farm and such bye-laws shall be deemed to be the bye-laws required to be filed under sub-section (3) of section 8 of the Co-operative Societies Act, 1912.

2 of 1912.

Land contributed to the farm to continue to vest in the occupancy tenant.

185. Nothing in this Chapter shall be construed to mean that the interest of an occupancy tenant in the land contributed to the co-operative farm has ceased to vest in him.

Disposition of land contributed to the farm.

186. No member of a co-operative farm shall be entitled to make any disposition of any land contributed by him to the farm.

Rights, privileges, obligations and liabilities of members.

187. Every member of a co-operative farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities and be bound to discharge such duties as may be conferred or imposed upon him by or under this Regulation.

Contribution by a member.

188. Subject to such exceptions as may be prescribed, every member shall be bound to contribute to the co-operative farm to such extent and in such manner as may be prescribed—

(*i*) funds;

(*ii*) personal labour;

(*iii*) agricultural implements and such other articles as may be prescribed.

Liability of the farm to pay land revenue and other dues.

189. The co-operative farm shall, as from the date it is constituted, be liable for the payment of all the land revenue and cesses in respect of the land held by it.

Admission of new members.

190. Any person, who is a resident of the circle where the co-operative farm is situated or who intends to settle down in the circle or who cultivates land therein may be admitted as a member thereof upon such terms and conditions as may be laid down by the farm.

Heirs entitled to become members of the farm.

191. When a member, whose land is held by a co-operative farm, dies his heirs entitled to his interest under section 148, shall become members of the co-operative farm.

Concessions and facilities for the co-operative farm.

192. (*1*) A co-operative farm shall be entitled to such concessions and facilities as may be prescribed.

(*2*) Without prejudice to the generality of the foregoing provision, the concessions and facilities may include—

(*a*) reduction of land revenue,

(*b*) reduction of, or exemption from, agricultural income-tax,

(*c*) free technical advice from experts employed by the Government,

(*d*) financial aid and grant of subsidy and loans with or without interest.

Provisions of Chapter to apply to grantees.

193. The provisions of this Chapter shall *mutatis mutandis* apply in relation to grantees as they apply in relation to occupancy tenants.

CHAPTER XVI

RIGHTS IN ABADI AND UNOCCUPIED LAND AND ITS PRODUCE

Record of unoccupied land.

194. A record of all unoccupied land shall be prepared and maintained for every village in such manner as may be prescribed.

Preparation of Nistar Patrak.

195. (*1*) The Deputy Commissioner shall, consistent with the provisions of this Regulation and the rules made thereunder, prepare a Nistar Patrak (village administration paper) embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto and including in particular matters specified in section 196.

(*2*) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the residents of the village in the prescribed manner, the Deputy Commissioner may finalise the draft with or without modifications.

(*3*) On a request being made by the Gram Sabha, or where there is no Gram Sabha, on the application of not less than one-fourth of the adult residents of a village, or of his own motion the Deputy Commissioner may, at any time, modify any provision in the Nistar Patrak after such enquiry as he deems fit.

Matters to be provided for in Nistar Patrak.

196. The following matters shall be provided in the Nistar Patrak referred to in section 195, namely:—

(*a*) the terms and conditions on which grazing of cattle in the village may be permitted;

(*b*) the terms and conditions on which and the extent to which any resident of the village may obtain—

(*i*) wood, timber, fuel or any other forest produce,

(*ii*) mooram, kankar, earth, or any minor mineral;

(*c*) the instructions regulating generally the grazing of cattle and the removal of the articles mentioned in clause (*b*);

(*d*) any other matter required to be recorded in the Nistar Patrak by or under this Regulation.

Explanation.—In this section and in section 197 the expression "minor minerals" shall have the meaning assigned to it in clause (*e*) of section 2 of the Mines and Minerals (Regulation and Development) Act, 1957.

57 of 1957.

Provision in Nistar Patrak for certain matters.

197. In preparing the Nistar Patrak as provided in section 196 the Deputy Commissioner shall, as far as possible, make provision for—

(*a*) free grazing of the cattle used for agriculture;

(*b*) removal, free of charge, by residents of the village for their *bona fide* domestic consumption of—

(*i*) forest produce,

(*ii*) minor minerals;

(*c*) concessions to be granted to the village craftsmen for the removal of forest produce or minor minerals for the purpose of their craft.

Deputy Commissioner to set apart unoccupied land for certain purposes.

198. (*1*) Subject to such rules as may be made under this Regulation, the Deputy Commissioner may set apart unoccupied land for the following purposes, namely:—

(*a*) for timber or fuel reserve;

(*b*) for pasture or fodder reserve;

(*c*) for burial ground and cremation ground;

(*d*) for keeping cattle;

(*e*) for encamping ground;

(*f*) for threshing floor;

(*g*) for bazar;

(*h*) for skinning ground;

(*i*) for manure pits;

(*j*) for any public purpose such as schools, playgrounds, parks, roads, lanes and drains;

(*k*) for any other purposes which may be prescribed.

(*2*) Lands set apart specially for any purpose mentioned in sub-section (*1*) shall not otherwise be diverted for any other purpose without the previous sanction of the Deputy Commissioner.

(*3*) Notwithstanding anything contained in this section, if the Deputy Commissioner is satisfied that any unoccupied land set apart for any of the purposes mentioned in sub-section (*1*) is not immediately required or suitable for such purpose, he may allot such land to such persons, for uch periods and purposes and on such terms and conditions, as may be prescribed.

(*4*) Where any land is allotted under sub-section (*3*), nothing in Chapter XIII shall apply to the allottee of such land.

Prohibition of cutting of certain trees.

199. If the Chief Commissioner is of opinion that the cutting of any trees in any unoccupied land is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of any trees in such land for

preventing soil erosion, he may, by general or special order, prohibit or regulate the cutting of such trees.

200. Where the area reserved for abadi is, in the opinion of the Deputy Commissioner, insufficient, he may reserve such further area for abadi from the unoccupied land in the village as he may think fit. **Abadi.**

201. (*1*) The Government reserves the right, in respect of every land to and over the foreshore, quarries, mines, stone, slate, chalk, clay, precious stones, gold washing, coal and other minerals and mineral oils, and also to all stream water courses and public thoroughfares within or traversing the said lands or any part thereof, unless any or all of them are expressly specified for alienation in any instrument made by the Government. **Government's title to minerals.**

(*2*) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings, machinery, the stacking of minerals and deposit of refuse, the construction of roads or tram-lines and any other purposes which the Government may declare to be subsidiary to mining and quarrying.

(*3*) If the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right it is necessary that all or any of the powers specified in sub-section (*2*) should be exercised, the Deputy Commissioner may, by order in writing and subject to such conditions and reservations as he may specify, authorise the person to whom such right has been assigned to exercise such powers:

Provided that no such authorisation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(*4*) If, in the exercise of any right over any land under this section, the rights of any person are infringed by the occupation or disturbance of such land, the Government or its assignee shall pay to such person compensation for such infringement and the amount of such compensation shall be calculated by the Sub-Divisional Officer, or if his award is not accepted by the civil court, as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1894.

1 of 1894.

(*5*) If an assignee of the Government fails to pay compensation as provided in sub-section (*4*), the Deputy Commissioner may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(6) If any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned to him by, the Government, he shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Deputy Commissioner, to pay penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed :

Provided that if the sum so calculated is less than one thousand rupees he penalty may be such larger sum not exceeding one thousand rupees as the Deputy Commissioner may impose.

(7) Without prejudice to the provisions of sub-section (6), the Deputy Commissioner may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by, the Government.

Penalty for unauthorised occupation of land.

202. (1) Any person who unauthorisedly takes or remains in possession of any unoccupied land or abadi may be summarily ejected by order of the Tehsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tehsildar may fix, shall be liable to forfeiture.

(2) Any property forfeited under sub-section (1) shall be disposed of in such manner as the Tehsildar may direct and the cost of removal of any crop, building or other work and of all works necessary to restore the land to its original condition shall be recoverable from such person as an arrear of land revenue.

(3) Such person shall, subject to the provisions of sub-section (5), also be liable, at the discretion of the Tehsildar, to a fine which may extend to two hundred and fifty rupees.

(4) The Tehsildar may apply the whole or any part of the fine imposed under sub-section (3) to compensate persons who may, in his opinion, have suffered loss or injury from such unauthorised occupation.

(5) If, in any case, the Tehsildar considers that circumstances of the case warrant imposition of a fine exceeding two hundred and fifty rupees he may refer the case to the Sub-Divisional Officer who shall then, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit.

(6) If any person ordered to be ejected under sub-section (1) has constructed any work of a permanent nature under a *bona fide* mistake, the may apply to the Deputy Commissioner for condonation of the encroachment

and the Deputy Commissioner may, if satisfied that the work was constructed under a *bona fide* mistake and that the land can be allowed to remain in the possession of such person without any serious detriment to public purpose, condone the encroachment under such terms as he may deem fit.

(7) No order made under sub-section (1) shall prevent any person from establishing his rights in a civil court.

(8) If notice of an intention to institute a suit is delivered to the Tehsildar, he shall desist from carrying out his order under sub-section (1) for a period of three months, and if such suit is filed within such period he shall stay his proceedings pending the decision of the civil court.

Penalty for contravention of provisions.

203. (1) Save as otherwise provided in this Chapter any person who acts in contravention of the provisions of this Chapter or of the provisions of the Nistar Patrak prepared under section 195 shall be liable to such penalty not exceeding two hundred rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have unlawfully appropriated or removed.

(2) Where the Sub-Divisional Officer passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meet the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention.

CHAPTER XVII

MISCELLANEOUS

Jurisdiction of civil courts excluded.

204. No suit or other proceeding shall, unless otherwise expressly provided in this Regulation, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Regulation.

7 of 1870.

Court-fee.

205. Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Regulation shall bear a court-fee stamp of such value as may be prescribed.

Protection of action taken in good faith.

206. No suit, prosecution or other proceeding shall lie—

(*a*) against any officer of the Government for anything in good faith done or intended to be done under this Regulation;

(*b*) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.

Power to exempt.

207. With the previous approval of the Government, the Chief Commissioner may, by notification, exempt any class of lands from all or any of the provisions of this Regulation.

Delegation of powers.

208. The Chief Commissioner may, by notification, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Regulation, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the notification.

Power to remove difficulties.

209. If any difficulty arises in giving effect to any provision of this Regulation, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Regulation which may appear to it necessary for the purpose of removing the difficulty.

Power to make rules.

210. (*1*) The Chief Commissioner may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*i*) the manner of preservation or disposal of trees, brush-wood, jungles or other natural product under sub-section (*2*) of section 38;

(*ii*) the manner of assessment of land revenue under section 40;

(*iii*) the manner of assessment of land revenue on unassessed land under section 41;

(*iv*) the manner of inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes under section 45;

(*v*) the manner of measurement of lands to which revenue survey extends, construction of survey marks thereon, division of lands into survey numbers and grouping the survey numbers into villages, under section 49;

(*vi*) the manner of carrying out division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions and the limit of the area or land revenue for recognition of sub-divisions of a survey number, under section 51;

(*vii*) the records in which the area and assessment of survey numbers and sub-divisions of survey numbers may be entered under section 52;

(*viii*) the form and the manner in which and the period for which the table of assessment rates may be prepared and published under section 55;

(*ix*) the manner in which the estimated rental value of the land may be determined under sub-section (*4*) of section 58;

(*x*) the manner in which notice of assessment may be given under section 59;

(*xi*) the manner of altering the boundaries of a village, dividing a village into two or more villages or uniting two or more villages into one, under section 62;

(*xii*) the manner of dividing lands in urban areas into plot numbers, recognising existing survey numbers as plot numbers, reconstituting plot numbers and forming new plot numbers, under section 68;

(*xiii*) the manner of dividing plot numbers into sub-divisions and apportioning the assessment of plot numbers amongst the sub-divisions and the limits, either of area or of land revenue or both, in any local area for recognition of sub-divisions, under section 69 ;

(*xiv*) the records in which the area and assessment of plot numbers and sub-divisions of plot numbers may be entered under section 70 ;

(*xv*) the special purposes to which regard may be had in forming blocks under section 71;

(*xvi*) the manner of publishing the standard rates under section 72;

(*xvii*) the manner of determining the average annual letting value of lands, and of fixing standard rates of assessment on lands held for agricultural purposes under section 73;

(*xviii*) the duties of patwaris under section 79;

(*xix*) the duties of revenue inspectors, town surveyors, assistant town surveyors and measurers under section 81;

(*xx*) the authority by which the field map may be prepared under section 82;

(*xxi*) the form and the manner in which the record-of-rights shall be prepared and maintained under section 83 and the particulars which may be included in the record-of-rights;

(*xxii*) the form of acknowledgement to be given by the patwari under section 84 and sub-section (*4*) of section 85;

(*xxiii*) the officers by whom and the manner in which objections entered in the register of mutations may be certified under sub-section (*5*), and the manner in which entries in the register of mutation may be transferred to the record-of-rights under sub-section (*6*), of section 85;

(*xxiv*) the preparation of land records under section 88;

(*xxv*) the officers by whom and the fees on payment of which certified copies of entries in the record-of-rights may be granted under section 94;

(*xxvi*) the restrictions and conditions subject to which and the fees on payment of which the public may be allowed to inspect maps and land records under section 95;

(*xxvii*) the specification of, and the manner of construction and maintenance of, boundary marks of villages, survey numbers and plot numbers, under section 96;

(*xxviii*) the manner in which disputes concerning any boundaries may be decided by survey officers under section 109;

(*xxix*) the date on which, the instalments in which and the persons to whom land revenue may be paid under section 115;

(*xxx*) the circumstances in which remission or suspension of land revenue may be granted and the rate of such remission or suspension under section 119;

(*xxxi*) the procedure to be observed in effecting attachment and sale of movable and immovable properties and the procedure for publishings conducting, setting aside and confirming sales and all other ancillary matters connected with such proceedings, under section 122;

(*xxxii*) the authority by whom and the manner in which the sale of the interest of the defaulter in the immovable property may be confirmed under section 128;

(*xxxiii*) the manner in which reasonable rent payable by a sub-tenant may be determined under sub-section (*6*) of section 149;

(*xxxiv*) the minimum area of land to be held by two or more tenant together for making an application for consolidation of their holdings under section 164;

(*xxxv*) the manner in which the scheme of consolidation of holdings may be prepared and objections thereto may be invited, under section 167;

(*xxxvi*) the manner of assessment of costs of carrying out the scheme of consolidation of holdings under section 173;

(*xxxvii*) the particulars which an application for the registration of a co-operative farm may contain under section 180;

(*xxxviii*) the concessions and facilities to which a co-operative farm may be entitled under section 192 ;

(*xxxix*) the manner in which the record of unoccupied lands may be prepared and maintained under section 194 ;

(*xl*) any other matter which is to be, or may be, prescribed.

Repeal. 3 of 1926.

211. (*1*) The Andaman and Nicobar Islands (Land Tenure) Regulation, 1926, is hereby repealed.

(*2*) The repeal of the said Regulation shall not affect,—

(*a*) the previous operation of the said Regulation or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation ; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said Regulation had not been repealed.

(*3*) Subject to the provisions contained in sub-section (*2*), anything done or any action taken under the said Regulation and the rules made thereunder shall in so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done or taken under this Regulation and shall continue to be in force until superseded by anything done or any action taken under this Regulation.

Transitory provision.

212. Notwithstanding anything contained in this Regulation—

(*a*) all cases pending before the Chief Commissioner or any revenue officer at the commencement of this Regulation shall be disposed of according to the law which would have been applicable to such cases had this Regulation not been passed;

(*b*) all cases pending before any civil court at the commencement of this Regulation which would under this Regulation be triable by a revenue court, shall be disposed of by such civil court according to the law which would have been applicable to such cases had this Regulation not been passed; and

(*c*) all further proceedings with respect to the cases referred to in clauses (*a*) and (*b*), whether by way of appeal, revision, review or otherwise, shall be taken or instituted and disposed of according to the law which would have been applicable to such proceedings had this Regulation not been passed.

THE SCHEDULE

[*See* section 2(*6*)]

LIST OF COMMERCIAL TREES

1. White Dhup (Canarium euphyllum)
2. Bakota (Endospermum malaccense)
3. Kadam (Anthocephalus cadamba)
4. Didu or Semul (Bombax insigne)
5. Papita (Sterculia campanulata)
6. Lambapathi (Sideroxylon longepetiolatum)
7. Evodia (Evodia glabra)
8. Red Drup (Parishia insignis)
9. Lethok (Sterculia alata)
10. Thitpok (Tetrameles nudiflora)
11. Gurjan (Dipterocarpus spp.)
12. White Chuglam (Terminalia bialata)
13. Badam (Terminalia procera)
14. Chaplash or Taungpeinne } (Artocarpus chaplasha)
15. Lalchini (Amoora wallichii)
16. Bomboza (Albizzia stipulata)
17. Black Chuglam (Terminalia manii)
18. Pyinma (Lagerstroemia hypoleuca)
19. Lakuch (Artocarpus gomeziana)

20. Thingan (Hopea odorata)

21. Jhingan (Pajanelia rheedii)

22. Ywigi (Adenanthera pavonina)

23. Lal Bombwe (Planchonia andamanica)

24. Hill Mohwa (Bassia butyracea)

25. Gangaw (Mesua ferrea)

26. Sea Mohwa (Mimusops littoralis)

27. Chooi (Sageraea elliptica)

28. Thitkandu (Pometia pinnata)

29. Mangrove (Bruguiera sp.)

30. Nabe (Lannea grandis)

31. Koko (Albizzia lebbek)

32. Padauk (Pterocarpus dalbergioides)

33. Marblewood (Diospyros marmorata)

34. Satinwood (Murraya exoitica).

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1966.
DELHI, 1966.